

# **Exhibit 4**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

MEIJER, INC. & MEIJER  
DISTRIBUTION, INC., on behalf of  
themselves and all others similarly  
situated,

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

ROCHESTER DRUG CO-  
OPERATIVE, INC., on behalf of itself  
and all others similarly situated,

Plaintiff,

v.

ABBOTT LABORATORIES,

Defendant.

LOUISIANA WHOLESALE DRUG  
COMPANY, INC., on behalf of itself  
and all others similarly situated,

Plaintiff,

v.

ABBOTT LABORATORIES,

Defendant.

Case No. C 07-5985 CW

Hon. Claudia Wilken

**DECLARATION OF LAURENCE F. DOUD,  
III IN OPPOSITION TO DEFENDANT'S  
MOTION TO COMPEL "DOWNSTREAM"  
DISCOVERY**

Case No. C 07-6010 CW

Hon. Claudia Wilken

**DECLARATION OF LAURENCE F. DOUD,  
III IN OPPOSITION TO DEFENDANT'S  
MOTION TO COMPEL "DOWNSTREAM"  
DISCOVERY**

Case No. C 07-6118 CW

Hon. Claudia Wilken

**DECLARATION OF LAURENCE F. DOUD,  
III IN OPPOSITION TO DEFENDANT'S  
MOTION TO COMPEL "DOWNSTREAM"  
DISCOVERY**

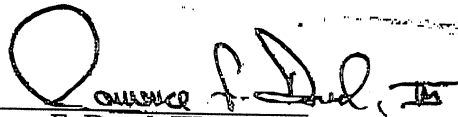
1 I, Laurence F. Doud, III do declare as follows:

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- 3 1. My name is Laurence F. Doud III, and I am employed as the Chief Executive Officer and
- 4 General Manager of Rochester Drug Co-Operative ("RDC"), plaintiff at No. 07-6010.
- 5 2. Rochester Drug Cooperative purchased Norvir and Kaletra directly from defendant Abbott
- 6 Laboratories ("Abbott") for many years and continues to do so today.
- 7
- 8 3. I have reviewed, and on behalf of RDC participated in responding to, the Document Requests
- 9 and Interrogatories Abbott propounded in these actions.
- 10 4. I understand that Abbott is seeking to compel the production of documents and data
- 11 reflecting, among other things, RDC's sales of Norvir, Kaletra, Lexiva, and Reyataz and
- 12 potentially many other antiretroviral drugs to RDCs customers. I further understand that
- 13 Abbott is seeking, among other things, information concerning RDC's profits with respect to
- 14 those downstream sales transactions.
- 15
- 16 5. Gathering and producing the documents and data requested by Abbott in the disputed
- 17 discovery requests at issue would entail significant expense and burden to RDC. What Abbott
- 18 is now requesting would require RDC to review tens (if not hundreds) of thousands of
- 19 transactions reflecting our sales of various products to hundreds of customers over many
- 20 years. This would involve gathering paper and electronic records from a number of sources
- 21 including computer systems, would be extremely expensive, time-consuming, and laborious,
- 22 and would represent a distraction from our day-to-day business.
- 23 6. In addition, the requested information, which includes the names of RDC's customers and
- 24 prices charged to different customers, is extremely sensitive and highly confidential.
- 25
- 26 7. As part of my responsibilities at RDC, I have overseen recent similar antitrust challenges to
- 27 manufacturers' anticompetitive conduct. RDC was not required to produce downstream
- 28

1 discovery in these other cases, some of which resulted in RDC recovering significant  
2 overcharges.

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4 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
5 and correct.

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7 Dated: May 20, 2008

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Laurence F. Doud, III